

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

DANIEL K. LEGGETTE,

Movant,

v.

CIVIL ACTION NO. 3:12-0234
(Criminal Case No. 3:09-00176)

UNITED STATES OF AMERICA,

Respondent.

MEMORANDUM OPINION AND ORDER

This action was referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that Movant's Motion to Vacate, Set Aside or Correct Sentence pursuant to 28 U.S.C. § 2255 (ECF No. 96) be denied and this civil action be dismissed, with prejudice, and removed from the docket of this Court. Neither party has filed objections to the Magistrate Judge's findings and recommendation.

Accordingly, the Court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and **ORDERS** that Movant's Motion to Vacate, Set Aside or Correct Sentence pursuant to 28 U.S.C. § 2255 (ECF No. 96) be **DENIED** and this civil action be **DISMISSED**, with prejudice, and removed from the docket of this Court, consistent with the findings and recommendation.

The Court **DIRECTS** the Clerk to forward copies of this written opinion and order to all counsel of record, and any unrepresented parties.

ENTER: February 12, 2013

A handwritten signature in black ink, appearing to read "Robert C. Chambers". The signature is fluid and cursive, with the first name "Robert" and last name "Chambers" clearly distinguishable.

ROBERT C. CHAMBERS, CHIEF JUDGE